

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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FAIL-SAFE, LLC,

Plaintiff,

Case No. 08-C-0310

v.

A. O. SMITH CORPORATION,

Defendant.

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**DEFENDANT A.O. SMITH CORPORATION'S NOTICE OF MOTION AND  
DAUBERT MOTION TO EXCLUDE FAIL-SAFE'S CLAIM FOR FUTURE DAMAGES**

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Defendant A. O. Smith Corporation ("AOS"), by and through its counsel, move this Court for an order precluding Plaintiff Fail-Safe, LLC's ("FS") from presenting any testimony, opinions or argument that relates to, references or relies on future sales of the Guardian. The bases for AOS's Motion are set forth in Defendant A.O. Smith Corporation's Memorandum In Support Of Daubert Motion To Exclude Fail-Safe's Claim For Future Damages, as well as the Declaration of S. Edward Sarskas, in support.

Dated this 30th day of December, 2009.

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